

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BRAUN GmbH,

Plaintiff,

v.

RAYOVAC CORPORATION,

Defendant.

Civil Action No. 03-CV-12428-WGY

BRAUN GmbH'S MOTIONS IN LIMINE NOS. 1-4

For all the reasons set forth in the accompanying Memorandum in Support, Braun GmbH hereby moves *in limine* to exclude certain evidence and argument. Specifically, Braun moves as follows:

- To preclude Rayovac's expert from testifying as to Rayovac's defense that the '328 patent is indefinite.
- To preclude Rayovac from offering evidence regarding the untimely made allegation of inequitable conduct with respect to the ultrasonic cleaner, or, in the alternative, summary judgment should be granted to Braun.
- To preclude Rayovac's expert from testifying on the appropriate translation of German terms because he is not qualified to render any opinion as to the translation of the German patent application into English.
- To preclude Rayovac from offering testimony evidence or argument on its hypothetical non-infringing alternatives.

Wherefore, Braun respectfully requests that its motions *in limine* be GRANTED.

Respectfully submitted,

BRAUN GmbH
By its Attorneys

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Dated: October 14, 2005

Local Rule 7.1 Certification

Pursuant to Local Rule 7.1(a)(2), the undersigned certifies that on October 14, 2005, counsel for Plaintiff Braun GmbH conferred with counsel for Defendant Rayovac Corp. relating to this motion.

/s/Dalila Arguez Wendlandt
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